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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,103	03/31/2006	Maurizio Domolato	2553-1015	7440

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EXAMINER

RAMSEY, JEREMY C

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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04/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,103

Applicant(s)

DOMOLATO, MAURIZIO

Examiner

JEREMY C. RAMSEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Amendment

The following office action is in response to the amendment filed on 01/22/2009. Claims 11-24 are pending in the application. Claims 11-24 are rejected as set forth below.

Claim Rejections - 35 USC § 112

The previous rejections under 35 USC 112 have been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

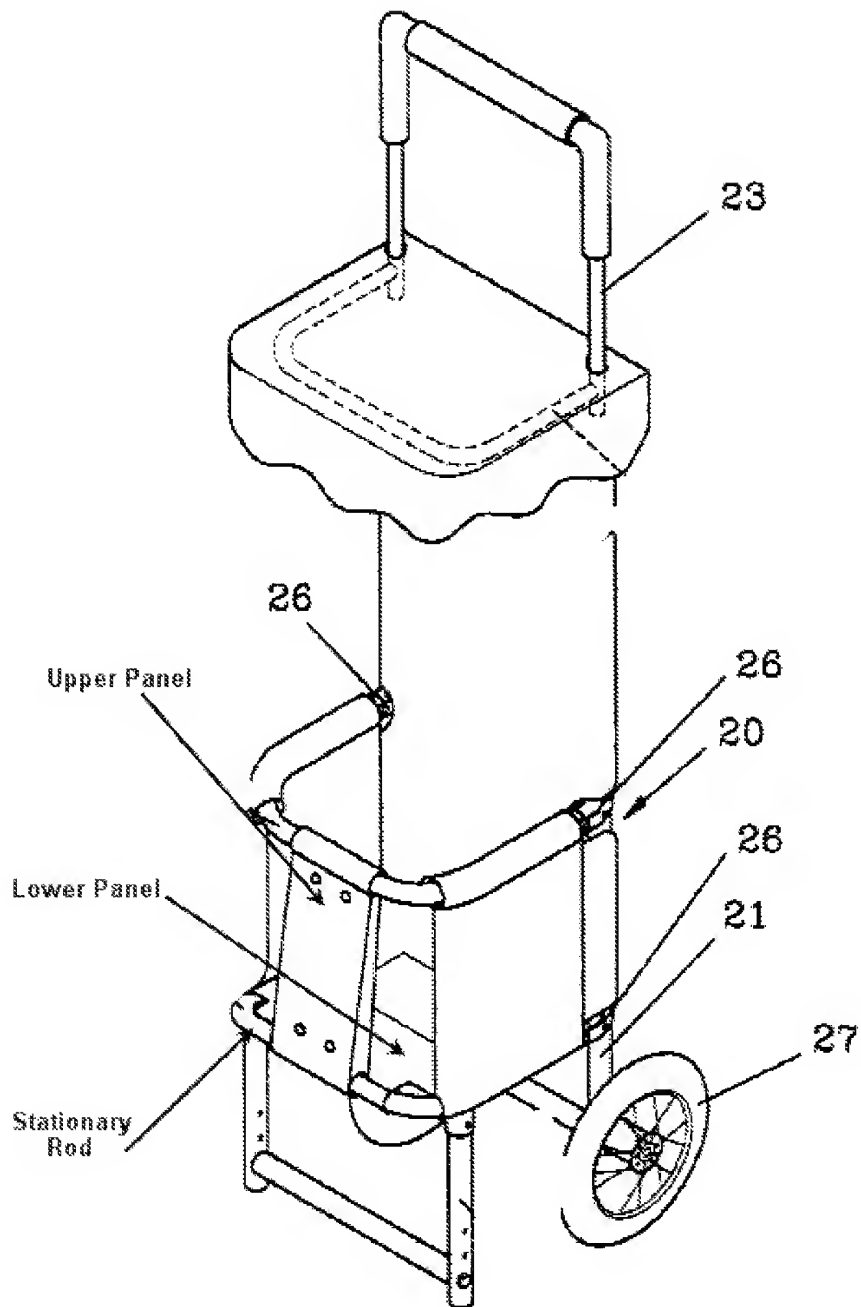
Claims 11, 15-18, 22, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin 6,000,713.

In re claims 11 and 23, with reference to Figures 3-5, Lin '713 disclose a vertical structure having both functions as a seat in a first positions and a partition in a second position comprising:

- A pair of upright supports (11) extending in the vertical position.
- A quadrilateral articulated frame composed of rods (13)(14).
- A lower pair of the rods (left and right sides of 14) hinged to the upright supports (11) at a lower part and an upper pair of the rods (left and rights sides of 13) hinged to the upright supports (11) at an upper part.

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- An upper panel and lower panel attached to the frame, said frame adapted to allow the vertical structure to act as a seat with the lower and upper rods (13)(14) of the frame oriented perpendicular to the upright supports (Figure 5) and as a partition screen with the rods and the upright supports coinciding and the upper panel and the lower panel being coplanar. (dashed lines in Figure 4)
- Connecting parts (12) moving the frame, upper panel and lower panel between a first position with the lower panel providing a seat and the lower rods (13) perpendicular to the upright supports (11) and a second position with the upper panel and lower panel positioned vertically with the upper and lower pairs of rods (13)(14) coinciding and the vertical plane defined by the upper panel and lower panel being coplanar. (Figure 4)



In re claims 12, 15-18, 22 and 24

- Wherein the frame has end stops (12) mounted to the rods (13)(14) which abut against the upright supports (11) when the seat position is reached.
- Wherein the rods are hinged to the vertical structure by pins (121) and the upright supports (11) remain vertical and non-displaced during operation while the frame is displaced between a first configuration acting as the seat and a second configuration acting as the partition screen.
- The lower rods (left and right sides of 13) are hinged with a stationary rod connected transverse to the upright supports (11). (shown above)
- Wherein the panel is a single piece secured between the rods and the stationary rod.
- Wherein the panel may be made of materials adapted to withstand the weight of a person. (inherently so, since the device serves as a chair)
- Wherein when the vertical structure is configured as a seat (first position) the upper panel is vertical to the lower panel and the upper panel is facing and completely spaced apart from the upright supports (11) by an upper pair of the rods (14) and a lower pair of the rods (13) extending away from the upright supports (11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin 6,000,713 in view of Satterfield 6,807,690.

In re claim 13, the vertical structure of Lin '713 has been disclosed above but fails to disclose:

- Return springs between the frame and the upright supports.
- With reference to Figure 2, Satterfield '690 discloses:
- Return springs (150) between the frame (145) and the frame.
- It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the return springs as taught by Satterfield '690 in order to diminish the force required to raise and lower the seat. (abstract)

The examiner takes Official Notice that using a hydraulic piston as a return mechanism is old and well known in the art, and one having ordinary skill would have known to use such.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin 6,000,713 in view of Ehrenreich 2003/0121123.

In re claim 14, the vertical structure of Lin 713 has been discussed above, but fails to disclose:

- Balance weights hidden in the upright supports.

With reference to Figure 13, Ehrenreich '123 discloses:

- Balance weights (68) hidden in the upright supports.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vertical structure of Stol '720 to include balance weights as taught by Ehrenreich '123 in order to provide for a stabilized smooth motion when the device is down-tilted and prevent it from swinging downward of its own weight uncontrolled (paragraph [0034]).

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin 6,000,713 in view of Higson 4,703,944.

In re claim 19, Lin '713 fails to disclose:

- The upright supports are bent through an essentially right angle and joined together by a plate with elements for direct fastening to the floor.

With reference to Figure 1, Higson '944 discloses:

- The upright supports (16) are bent through an essentially right angle and joined together by a plate (12) with elements for direct fastening to the floor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the upright supports bent at a right angle and joined by a plate with elements for fastening to the floor as taught by Higson '944 in order to create a more stable base.

In re claim 20, Lin '713 discloses:

- The upright supports (11) are straight.

Response to Arguments

Applicant's arguments with respect to claims 11-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
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/Jeremy C Ramsey/
Examiner, Art Unit 3634